

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 2147 of 2013

Santosh Kumar Behera

.....

Petitioners

Mr. K.C. Sahu, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. S. Jena, SC, S&ME Deptt

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

15.12.2022

Order No.

02

This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.
3. The petitioner has filed this writ petition seeking to quash the order dated 26.07.2013 and to direct the opposite parties to pay the current salary of the applicant from the date of withheld, i.e. from July, 2013 onwards as usual.
4. A counter affidavit has been filed by opposite party no.5, wherein at paragraphs-8 and 9, it has been stated as follows:-

“8. That, while the matter stood thus the petitioner filed the aforesaid original application (writ petition). The Learned Tribunal upon hearing passed an order on 05.09.2013 with the following observations:

“So far as the interim prayer is concerned, since check measurement of the building has not yet been made, which was constructed by the applicant and for which he has withdrawn Rs.4,70,000/- as submitted by Mr. Sahu, learned counsel, the Respondent authorities are directed to make check measurement of the building by a competent Civil Engineer in presence of the applicant and arrive at a conclusion how much money is spent for the building and if after check measurement it is found that some amount is still pending with the applicant, he shall refund the same. However, the salary of the applicant, which was stopped by the Respondent authorities from 2013 onwards be released in his favour within a period of four weeks from the date of communication of this

order, subject to the outcome of the O.A.

9. That, it is humbly submitted that in obedience to the interim order dated 05.09.2013, the Opp. Party authorities taken steps and disbursed the withheld salary of the petitioner for the month of July, 2013 to September, 2013 on 27.12.2013 vide Letter No. 3782 dated 27.12.2013 and the petitioner is drawing his current salary. For better appreciation the copy of the withheld Salary disbursement letter and up-to-date acquaintance are annexed herewith as Annexure-E/5.

5. In view of the pleading available on record the benefit having been granted to the petitioner, this writ petition stands disposed of in terms of the averments made in paragraphs-8 and 9 of the counter affidavit.

Arun

(DR. B.R. SARANGI, J.)

